

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

EDWARD BROWN

PLAINTIFF

v.

CAUSE NO. 5:16-CV-124-KS-MTP

WILKINSON COUNTY, ET AL.

DEFENDANTS

MOTION FOR CERTIFICATION OF FINAL JUDGMENT

NOW COMES Individual Defendant C. L. Thompson, by counsel, and files his Motion for Certification of Final Judgment, pursuant to *54 (b) of the Fed. Rules of Civ. Proc.*, to-wit:

I. PROCEDURAL HISTORY

Plaintiff's Amended Complaint [**Doc. # 42**], as authorized via Court Order [**Doc. # 50**] has already been addressed by prior order pursuant to motions by Defendants, including Defendant C.L. Thompson. [See **Doc. #16** - *Motion for Judgment on the Pleadings*; **Doc. #19** - *Motion for Judgment on the Pleadings*; and **Doc. #22** - *Motion to Dismiss Plaintiff's state-law claims*.].

Pursuant to Court Order, Plaintiff argued that judgment on the pleadings was improper for Defendants C.L. Thompson and Gloria Ashford stating:

The Amended Complaint reflects that the risk of harm that the plaintiff, Edward Brown, suffered was obvious from the severity of the beating he sustained as Defendants Thompson watched and Ashford encouraged. Even if the defendant deputies watched and did not participate, they could see that the beating was brutal. Even if the defendant deputies showed up after the beating they could see the amount of blood lost by the plaintiff. Any of these scenarios constituted a deliberate indifference to the right of Edward Brown, as a pretrial detainee to be free from punishment. [**Doc. #57**, Page 4 of 11].

These arguments were not availing as to Defendant C. L. Thompson, who was granted judgment on the pleadings via [**Doc. #58**] and remains waiting disposition via either final judgment

or certification of final judgment pursuant to 54 (b) of the *Fed. Rules of Civ. Proc.*

II. AUTHORITY

In support of the instant motion, Defendant Thompson is submitting a brief statement of authority by separate memorandum.

WHEREFORE, DEFENDANT RESPECTFULLY PRAYS that the Court Certify Final Judgment as to Defendant Thompson, individually and officially, pursuant to 54 (b) of the *Fed. Rules of Civ. Proc.* so that the Plaintiff may properly appeal said ruling without further delay and expense.

RESPECTFULLY SUBMITTED this 20th day of February, 2018.

JACKS GRIFFITH LUCIANO, P.A.

By: /s/ **Daniel J. Griffith**
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CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendant C. L. Thompson, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *MOTION FOR CERTIFICATION OF FINAL JUDGMENT* to be delivered by electronic filing with the Clerk of the United States District Court for the Southern District of Mississippi, which gave notice to the following Counsel of Record:

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DATED this 20th day of February, 2018.

/s/ **Daniel J. Griffith**
Daniel J. Griffith